

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: The Public Record
February 25-March 3, 2011

DATE: March 4, 2011

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated February 16, 2011 for T-Mobile Site No. SF54226C.
- (b) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) resending letter to Consumer Protection and Safety Division dated February 17, 2011 for T-Mobile Site No. SF24669A.
- (c) Letter from Public Utilities Commission Communications Division Director John M. Leutza to Mayor Reed dated February 23, 2011 inviting participation in the California Public Utilities Commission 408 Area Code meeting.
- (d) Letter from County of Santa Clara Public Health Department Health Officer Marty Fenstersheib, MD, MPH to Regional Director of U.S. Department of Health and Human Services Herb Schultz dated February 28, 2011, announcing the county's enrollment in the *Let's Move Cities and Towns* campaign.
- (e) Letter from Homeowners Organized to Maintain Equity (H.O.M.E.) President Martha O'Connell to the Mayor and Council dated February 28, 2011, providing testimony regarding rent control from the Mobilehome Advisory Commission.
- (f) Letter from David Wall to Mayor Reed and Council dated March 3, 2011 regarding "The Ghetto Life Update: someone took the 'Wok-toilet'?"
- (g) Letter from David Wall to Mayor Reed and Council dated March 3, 2011 regarding "City Manager Employment Agreement, note who signed it." **Attachment on file in the Office of the City Clerk.**

Dennis Hawkins, CMC
City Clerk

DH/rmk

Distribution: Mayor/Council
City Manager
Assistant City Manager
Assistant to City Manager
Council Liaison
Director of Planning
City Attorney
City Auditor

Director of Transportation
Public Information Officer
San José Mercury News
Library
Director of Public Works
Director of Finance



T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

PUBLIC RECORD a

February 16, 2011

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications,
Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF54226C:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

☒ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.

☐ (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Garry Willey, Senior Engineering Operations Manager for T-Mobile, at 925-521-5941, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Garry Willey
Senior Manager for T-Mobile
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

ATTACHMENT A

1. Project Location

Site Identification Number: SF54226C
Site Name: Pole Cap 966 Rockdale
Site Address: AF 966 Rockdale Drive, San Jose, CA. 95129
County: Santa Clara
Assessor's Parcel Number: RIGHT OF WAY
Latitude: N 37° 18' 34.92"
Longitude: W 121° 59' 6.02"

2. Project Description

Number of Antennas to be installed: 3
Tower Design: Pole Cap
Tower Appearance: Pole
Tower Height: 38.3'
Size of Building: n/a

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 East Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: 2/16/2011
Land Use Permit #: 060011
If Land use Approval was not required: N/A



T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.
Engineering Development
1855 Gateway Boulevard, 9th Floor
Concord, California 94520

February 17, 2011

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Notification Letter for T-Mobile Site No. SF24669A:

During a routine review of our files, we were unable to locate the attached letters of notification. Out of an abundance of precaution, we are resending the letters for your records.

Thank you for your time,

Timothy Williams

Regulatory Compliance Coordinator (SF)

Enclosed Attachments

cc:

Debra Figone, City Manager, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Joseph Horwedel Planning Director, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113



T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

February 17, 2011

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications,
Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24669A**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

☒ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.

☐ (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Garry Willey, Senior Engineering Operations Manager for T-Mobile, at 925-521-5941, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Garry Willey
Sr. Engineering Operations Manager
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone City Manager, City of San Jose, 200 East Santa Clara St., San Jose CA 95113
Joseph Horwedel , Planning Dir, City of San Jose, 200 East Santa Clara St., San Jose CA 95113
Lee Price, City Clerk, City of San Jose, 200 East Santa Clara St., San Jose CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF24669A
Site Name: Valle Vista Elementary School
Site Address: East side of Flint Avenue, 800 feet northerly of Tully Road
(2400 Flint Avenue) San Jose, CA 95132
County: Santa Clara
Assessor's Parcel Number: 652-26-017 and -024
Latitude: 37° 20' 25.10" N
Longitude: 121° 47' 31.90" W

2. Project Description

Number of Antennas to be installed: Six (6) Panel, One (1) GPS
Tower Design: Monopole
Tower Appearance: Antennas concealed on Slimline Monopole, behind radome
Tower Height: 60'
Size of Building: N/A

3. Business Addresses of all Governmental Agencies

City of San Jose Attn: Debra Figone, City Mg 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Attn: Joseph Horwedel, Planning Director 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Attn: Less Price, City Clerk 200 East Santa Clara San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: December 17, 2010

Special Use Permit #: SP10-003

If Land use Approval was not required: N/A

STATE OF CALIFORNIA

Edmund G Brown, Jr., Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

February 23, 2011

The Honorable Chuck Reed, Mayor
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: 408 Area Code Meeting

Dear Mayor Reed:

This letter is to invite your participation in the California Public Utilities Commission's (CPUC) decision-making process in connection with the 408 area code. When a change to an area code is considered, the perspectives of local government officials and the community are very important. On March 16, 2011 the CPUC in conjunction with the North American Numbering Plan Administrator (NANPA) will host a meeting for the local jurisdictions within the 408 area code. At this meeting CPUC staff and NANPA will explain the options that the telecommunications industry has proposed for adding the 669 area code to the 408 area code. Local official's preferences as to which area code option is best will be solicited. There also will be a discussion of the status of numbering resources in the 408 area code that should be useful to you in explaining this change to your own constituents.

Enclosed are maps of the proposed area code change options that will be reviewed and discussed at this meeting. There are two options for introducing a new area code, a geographic split or an overlay. A split requires a change in area code for part of the geography now served by the 408. An overlay retains the same area code for currently assigned numbers, but requires dialing the area code with every call made. Additional information is available at <http://www.cpuc.ca.gov/408areacode>.

In 1999, the CPUC initiated telephone number conservation measures. These measures have extended the life of the 408 area code by approximately ten years. However, NANPA estimates the 408 area code is now expected to exhaust during the third quarter of 2012.

In addition to the local jurisdiction meetings, the CPUC will hold public meetings on March 16, 17 and 18. Please share this area code meeting information with your citizens and constituents, and encourage them to attend. Enclosed is a flyer with more details about these meetings. Subsequent to these meetings, NANPA will submit a petition to the CPUC for authorization to implement an area code change plan in the 408 area code.

Written comments may be submitted to the Commission's Public Advisor's Office at 320 West 4th Street, Suite 500; Los Angeles, CA 90013 or via email to: public.advisor.La@cpuc.ca.gov. If there are further questions, please call the Public Advisor's Office toll free at (866) 849-8391 or (213) 576-7055. The Area Code Hotline (866) 340-6147 is also available to answer your questions.

Sincerely,

A handwritten signature in black ink that reads "John M. Leutza".

John M. Leutza, Director
Communications Division

Attachments

The California Public Utilities Commission, invites you to attend public meetings and to comment on the proposed changes for the 408 area code:

Wednesday, March 16, 2011

Local Jurisdiction Meeting – 2:00 P.M.

San Jose City Hall, Council Chambers
200 East Santa Clara St, San Jose, CA.

Wednesday, March 16, 2011

Public Participation Meeting – 7:00 P.M.

San Jose City Hall, Council Chambers
200 East Santa Clara St, San Jose, CA.

Thursday, March 17, 2011





Public Participation Meeting – 2:00 and 7:00 P.M.

Los Gatos Civic Center, City Council Chambers
110 E. Main Street, Los Gatos, CA

Friday, March 18, 2011

Public Participation Meeting – 10:00 A.M.

Morgan Hill City Hall, City Council Chambers
17555 Peak Av, Morgan Hill, CA

-  Due to number conservation efforts, the life of the 408 area code has been extended by ten years.
-  If special accommodations, such as interpreters, are required to participate in these meetings, please contact the Public Advisor's Office at least five business days in advance at 415-703-2074, 1-866-849-8390 (voice) or 415-703-5282, 1-866-836-7825 (TTY).
-  If you are unable to attend, written comments may be submitted to the California Public Utilities Commission's Public Advisor's Office, 320 W. 4th St, Suite 500, Los Angeles, CA 90013, or via E-mail: public.advisor.la@cpuc.ca.gov.
-  More information is available at <http://www.cpuc.ca.gov/408areacode>.

408 Area Code Local Jurisdiction and Public Meetings

SAN JOSE
City Council Chambers
200 E. Santa Clara Street
March 16, 2011
2:00 p.m. and 7:00 p.m.

LOS GATOS
City Council Chambers
110 E. Main Street
March 17, 2011
2:00 p.m. and 7:00 p.m.

MORGAN HILL
City Council Chambers
17555 Peak Avenue
March 18, 2011
10:00 a.m.

Agenda

- **Overview**

- Introductions**

- Purpose, Objectives, Comment Form**

- **Background Information**

- Why New Area Codes?**

- Area Code Relief Planning Process**

- **Status of Number Resources in this Area Code**

- **Presentation of Area Code Relief Plans**

- Overlay Plan**

- Split Plan**

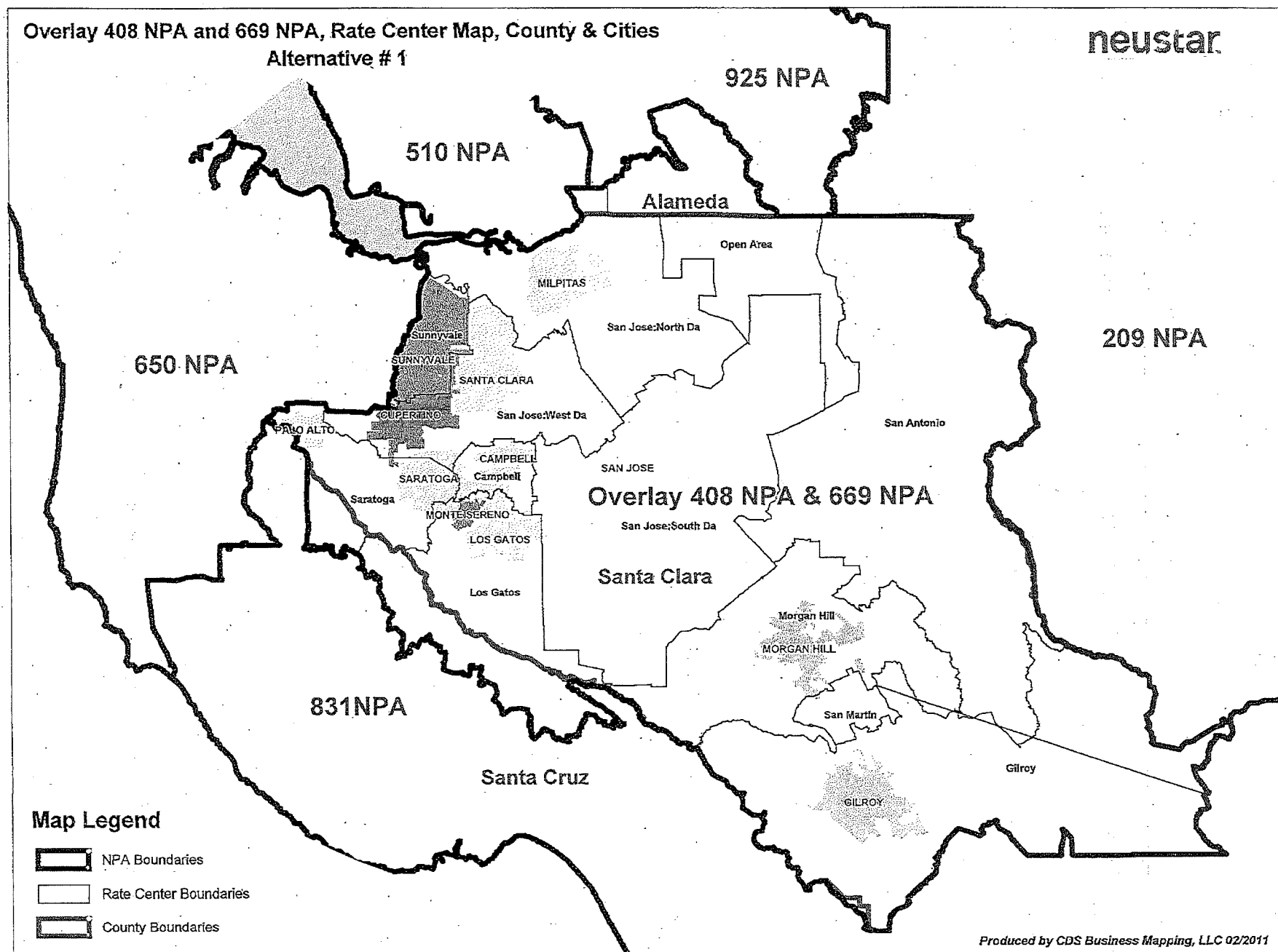
- **Questions, Opinions & Comments**

- **Closing Remarks**

Moderated by: California Public Utilities Commission

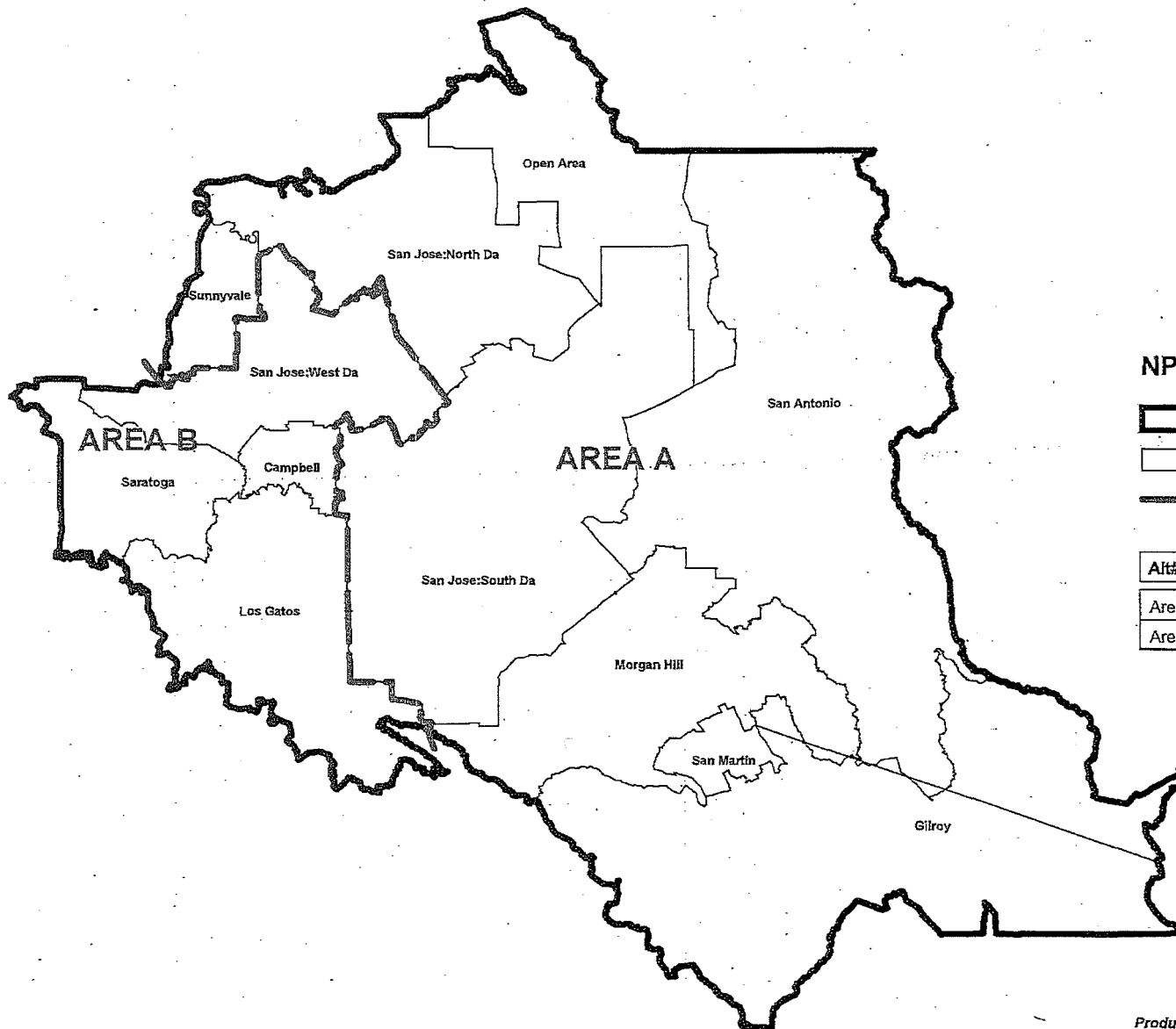
Overlay 408 NPA and 669 NPA, Rate Center Map, County & Cities
Alternative # 1

neustar






ALTERNATIVE #2
408 NPA SPLIT

neustar



NPA 408 Map Legend

-  NPA Boundaries
-  Rate Center Boundaries
-  Split Line

Alt#2	Projected_Lives
Area "A"	39 Years
Area "B"	32 Years

General Characteristics of Area Code Splits and Overlays

Area Code Splits

Overlays

Splits designate a single area code for each geographical region.	Overlays designate more than one area code for a particular geographical region.
Splits require an area code change for approximately one-half of the rate centers within a geographical region in a two-way split. Consumers may have a different area code for their residence telephone numbers compared to their cell phone or business telephone numbers. This depends on the rate center associated with the telephone number.	Overlays will not require consumers with existing telephone numbers to change their area code. Consumers that want new telephone numbers may receive telephone numbers with the new area code. Consumers may be assigned a different area code for telephone numbers within the same residence or business location. Adjoining houses, buildings, etc. may also have different area codes even though they are next to each other.
Splits maintain 7-digit dialing within a geographical region. Consumers do not have to dial the area code when making calls to and/or from telephone numbers with the same area code.	An overlay requires consumers to use a new dialing procedure whereby the area code must be dialed for all calls. Currently, in California, when one dials the area code, one must dial "1" before the area code.
Consumers receiving the new area code will need to change stationery, business cards, advertising, etc. Consumers may need to notify others of the new area code, if their area code changed. Manual or over-the-air reprogramming of cell phones may be needed too.	Consumers may need to revise stationery, business cards, advertising materials, etc. regardless of the area code if the area code was not already identified on them. Consumers may need to reprogram their automatic dialing equipment or other types of equipment that are programmed with only a 7-digit number to ensure that they can handle dialing the new dialing procedure. Consumers will need to notify others of the new dialing procedure.
Future splits will reduce the size of the geographical region associated with an area code.	Overlays do not reduce the size of the geographical region associated with an area code.

COMMENT FORM

408 Area Code Local Jurisdiction and Public Meetings

_____ San Jose-2pm _____ San Jose-7pm _____ Los Gatos-2pm _____ Los Gatos-7pm

_____ Morgan Hill-10am

Please check above which meeting you are attending and please provide the following information:

Name (please print): _____

City: _____

A. Are your comments presented on your own behalf or on behalf of an organization?

- ☐ On my own behalf
- ☐ On behalf of the following organization:

B. Assume an area code change is necessary, which option do you prefer?

- [] Alternative # 1 - Proposed Overlay Plan

- [] Alternative # 2 - Split Plan

Which side should keep 408: Area A or Area B?

If you would like to make any additional comments please do so here and feel free to continue your comments on the back of this page.

WHERE TO SEND WRITTEN COMMENTS:

California Public Utilities Commission
Public Advisor's Office
320 W. 4th Street, Suite 500
Los Angeles, CA 90013

Email: public.advisor.la@cpuc.ca.gov

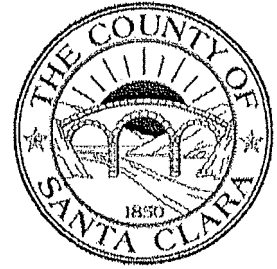
Tel: (866) 340-6147

Thank you.

We appreciate your thoughts, comments and opinions.

County of Santa Clara
Public Health Department

Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
(408) 792-3798



February 28, 2011

Herb Schultz, Regional Director
U.S. Department of Health and Human Services
90 Seventh Street
Federal Building, Suite 5-100
San Francisco, CA 94103

Dear Mr. Schultz:

In partnership with the Santa Clara County Cities Association, **the Santa Clara County Public Health Department is proud to announce that the County of Santa Clara and all 15 of the cities within the county have enrolled in the *Let's Move Cities and Towns* campaign.** This represents one of the early successes in Santa Clara County of the Communities Putting Prevention to Work (CPPW) Obesity Prevention grant, funded through the Affordable Care Act.

Santa Clara County, the most populated county in the Bay Area, has a diverse population of 1.8 million (38% of whom are immigrants), with more than half living in San Jose, the 10th largest city in the country. Approximately 450,000 children reside in the county (28% Asian/Pacific Islander and 35.5% Latino), and nearly one in ten live in poverty. The Santa Clara County 2010 Health Profile revealed that 50 percent of adults and one in four children are overweight or obese.

On January 13, 2011, the Santa Clara County Cities Association passed a resolution pledging its support for *Let's Move Cities and Towns* and called on all of the cities to take part in the campaign. Over the last several weeks all of our cities and the County of Santa Clara answered the call by passing resolutions and proclamations in support of *Let's Move Cities and Towns*. These cities include: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale.

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

Mr. Herb Schultz
Page 2
February 28, 2011

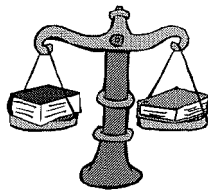
We believe that Santa Clara County is the first county in the country to enroll all of its jurisdictions in the *Let's Move Cities and Towns* initiative. We would like to extend an invitation to Health and Human Services Region IX and the Office of the First Lady to publicly celebrate this achievement with the Public Health Department and our local officials.

Sincerely,

A handwritten signature in cursive script that reads "Marty Fenstersheib".


Marty Fenstersheib, MD, MPH
Health Officer

cc: Senator Barbara Boxer
Senator Dianne Feinstein
Rep. Anna Eshoo, 14th District
Rep. Mike Honda, 15th District
Rep. Zoe Lofgren, 16th District
Rep. Jerry McNerney, 11th District
Board of Supervisors, County of Santa Clara
Jeff Smith, County Executive, County of Santa Clara
Mayors, Santa Clara County
City Managers, Santa Clara County
Dan Peddycord, Director, SCCPHD
Bonnie Broderick, Program Mgr., SCCPHD
Kathleen King, Executive Director, SCFHF
Councilmember Sam Liccardo, City of San José
Mayor Pro Tempore Cat Tucker, City of Gilroy
Councilmember Kris Wang, City of Cupertino

Straight Talk - Not Chatter**H.O.M.E.****Homeowners Organized To Maintain Equity**

February 28, 2011

TO: Vice Mayor Madison Nguyen
Mayor and Council

FROM: Martha O'Connell, President 

RE: Testimony at Mobilehome Advisory Commission

I made the following statements at the February 24, 2011 meeting of the Mobilehome Advisory Commission. It is on tape.

"I live in a low to moderate income Senior Park and understand the reality of the economic issues. But for rent control to survive, Commissioners, cooler heads need to prevail tonight. The two men that spearheaded this issue put out a two page letter to some Seniors. It's in your packet. In this letter, these men totally misstate the statements of Assemblyperson Beall. They told us seniors that Beall supported removing the 3% floor and would help them "in any way" to remove it.

That is simply not the case. This is at best a misstatement and at worst a lie. I have an email from Beall's aide which I now submit into the record. Not only did Beall NOT support removing the cap, but he warned these two men, in a public videotaped meeting, that opening up the rent control ordinance could produce bad things for us renters. Those seniors who are here tonight based on the statements of these two men need to understand that their letter is simply not accurate.

Beall, who to quote them, "was instrumental in authoring and making into law the first rent control ordinance" has warned us against asking that the Ordinance be opened. I am also confident that Councilperson Nguyen, who has the most mobilehome parks in her district, would not support opening up the rent control law and risk everything we have.

It is beyond belief that Vice Mayor Nguyen would advocate taking any action that will most likely plunge the City into a costly, years long lawsuit. Commissioners, keep your heads. Save rent control. The City cannot afford the lawsuit that the Park owners will file."

David S. Wall

RECEIVED
San Jose City Clerk

March 3, 2011

2011 MAR -3 P 2:42

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: THE GHETTO LIFE: UPDATE ON THE SCEP...someone took the "Wok-toilet".

On Monday (02.28.11), before the Community and Economic Development Committee (CED) meeting, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 0955 hours and found ten (10) stolen and abandoned shopping carts. *A 400% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

*****Note:** There were six (6) stolen and abandoned shopping carts on Horning Street and an additional six (6) stolen and abandoned shopping carts on North 11th Street @ Santa Paula Avenue. These stolen and abandoned shopping carts were not recorded as they were not on the corner of North Tenth Street @ Horning Street. There was also a huge garbage pile on Horning Street by the South Bay Recycle shop.

The "perennial garbage pile" (PGP) has grown considerably in size. The area behind the Horning Street railroad crossing control box continues to be a latrine. **"The Urinator"** was not seen urinating in public or at all for that matter. The "Wok-toilet" is gone, someone must have taken it. Butt, someone dumped a used tire which apparently has become the "tire toilet".

The "perennial growing debris field" (PGDF) north of the Horning Street railroad crossing control box, the garbage and assorted debris field has grown in size and is worth a visit from city Councilmembers. Debris from the San José Metals fire is still present near the railroad tracks. No vagrants were sighted today.

"The Golden Falcon" CA # JT 9621 *is still* at the N.W. corner of Horning Street @ North 10th Street. The travel trailer, **"All Scouts Plus"** CA # FQ 3542 *is still* on the N.E. corner of Santa Paula Avenue @ North 11th Street. Garbage build up in the area of Santa Ana Ave. @ N. 11th Street is significant. His Honor, Councilmember Liccardo, needs to get out of city hall for some fresh air. A little garbage detail would be a nice photo opportunity for his Honor.

Ownership of the stolen and abandoned shopping carts is as follows;

"Unmarked" (4), Rite Aid (1), Ranch 99 market (1), Vons (1), CVS Pharmacy (1), Mi Pueblo (1), and Costco (1).

*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.

*****special note***** the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Manuel's chickens clucked in about Councilmembers Oliverio and Kalra not shaving and apparently having a "beard growing contest". Mabel clucked, "I think CM Oliverio is going to win." Bert then clucked, "CM Kalra is looking pretty shabby. Do his parents know he's out in public looking like he's "fresh off the boat (FOB)"? Bertha clucked, "CM Kalra's not FOB, he's just looking like Abraham Lincoln who needs a little trimming up.

Respectfully submitted,

David S. Wall

03.03.11

Cc: City Attorney / City Auditor / City Manager

David S. Wall

RECEIVED
San Jose City Clerk

2011 MAR -3 P 2:43

March 3, 2011

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: CITY MANAGER EMPLOYMENT AGREEMENT, note who signed it.

"Sick time buy out", "severance pay" and other "perks" signal a "Sweet gig".

Police Officers, Firefighters and other City employees vilified for "sick leave buy outs". Why?

Enclosed herein is the complete "CITY MANAGER EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND DEBRA FIGONE."

Of late, Mayor Reed and several city Councilmembers have threatened to halt "sick leave buy outs" of city employees who either leave the city for other employment or for those who are entering into retirement. The San José Mercury News has vilified and downright demonized city employees for receiving this "contract provision of employment".

Without rehashing the "contract provision of employment" aspects in which politicians seeking Union money and workers to assist their campaigns; so that they could (and did) get elected, agreed to all sorts of "perks" given to city employees (union members). Now these same politicians want to renege and "distance themselves" from this issue by heralding a "duty to the taxpayers". This is Bull Pucky.

The Councilmembers who signed the aforementioned "employment agreement" also known as: [RESOLUTION NO. 73799] will raise some questions.

I am bewildered and confused how an employee (Debra Figone) who apparently left City of San José employment on or about December 22, 2001; **did have**, according to [RESOLUTION NO. 73799, page 2, (H) "Sick Leave": "Reinstatement of sick leave balance to the level accrued as of December 22, 2001 which is equal to **872.9870 hours**."] This "sick leave" was earned at a pay scale lower than that of a City Manager, then six years later after separation from City service, **872.9870 hours** of sick leave is reinstated at the pay scale of the City Manager. This is a better rate of return than a regular bank savings account.

The "Severance" pay equal to six months salary for involuntary termination of employment" [RESOLUTION NO. 73799, page 2, (G)] also is noteworthy for discussion.

The [RESOLUTION NO. 73799, page 3] shows that Councilmembers: CONSTANT, LICCARDO, NGUYEN, OLIVERIO, PYLE AND MAYOR REED; authorized and voted for this aforementioned "employment agreement".

NOW...is this entire issue of, "demonizing city employee sick leave buyouts" really just "political pandering to the press and to the citizens by Councilmembers: CONSTANT, LICCARDO, NGUYEN, OLIVERIO, PYLE AND MAYOR REED?

-OR-

Is this the age old doctrines of; "the Pot callin' the kettle black" and "Do as I say, but not as I do"?

I think there are several "doctrines" going on here simultaneously and they all smell bad.

ATTACHMENT ON FILE IN THE OFFICE OF THE CITY CLERK

Cc: City Attorney / City Auditor / City Manager... *Respectfully submitted,*

David S. Wall
03.03.11